

COMMUNITY AFFAIRS

THE COMMISSIONER

Notice of Pre-proposal Pursuant to Executive Order No. 140 (2004)

Implementation of P.L. 2004, c. 89

Pre-Proposal Number: PPR 20004-004

Take notice that on November 5, 2004, Governor James E. McGreevey issued Executive Order No. 140, which concerns the implementation of P.L. 2004, c.89 and requires that the Department of Environmental Protection, the Department of Transportation and the Department of Community Affairs each file a notice of pre-proposal, pursuant to the Administrative Procedure Act, in order to elicit the view of interested parties concerning rules for the qualification and registration of professionals and rules to implement the other provisions of P.L. 2004, c. 89.

The only program administered by the Department of Community Affairs that arguably falls within the scope of P.L. 2004, c.89 is the review of construction plans conducted in the Bureau of Construction Project Review and authorized pursuant to N.J.S.A. 52:27D-130 and N.J.A.C. 5:23-4.24 and listed in N.J.A.C. 5:23-3.11. However, the review of construction plans is required by statute to be completed within 20 business days, already 25 days shorter than the alternative review processes established by P.L. 2004, c.89.

Existing law, which has been in place for 28 years, already requires that construction plans be prepared by a registered architect or licensed professional engineer. This meets the provisions of P.L. 2004, c.89.

Accordingly, the Department does not propose to adopt rules establishing requirements related to an alternative review process and would request that any public comments address such intention not to adopt rules.

Submit written comments in response to this pre-proposal on or before March 20, 2005 to:

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SUSAN BASS LEVIN, Commissioner